



Convention on the Rights of the Child

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Summary record of the 1938th (Chamber B) meeting

Held at the Palais Wilson, Geneva, on Wednesday, 14 January 2015, at 10 a.m.

Chairperson: Ms. Wijemanne (Vice-Chairperson)

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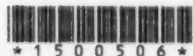
Fifth periodic report of Sweden (continued)

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The meeting was called to order at 10 a.m.

Consideration of reports of States parties (continued)

Fifth periodic report of Sweden (continued) (CRC/C/SWE/5; CRC/C/SWE/Q/5 and Add.1)

1. *At the invitation of the Chairperson, the delegation of Sweden resumed places at the Committee table.*

2. **Mr. Ingrid** (Sweden) said that children were interviewed during custody proceedings and criminal investigations that might affect them. The Government was examining whether the recent reform of the Children and Parents Code had achieved its goal of strengthening respect for children's perspective in decisions concerning them.

3. Sweden had various provisions in place to ensure that all children had access to leisure activities. In addition to allowances granted to families with children, special payments were available to enable children in difficult financial circumstances to participate in sports and cultural activities. Some 80 per cent of municipalities cooperated with organizations representing people with disabilities to ensure that the latter had access to leisure activities, and 95 per cent of libraries and 63 per cent of sports facilities were accessible to people with disabilities.

4. **Ms. Evelius** (Sweden) said that, while the overall quality of public health services in Sweden was good, socioeconomic factors prevented them from being equally accessible to all. Her Government aimed to eliminate health inequalities among the population within a generation. To that end, it had established a commission on health equity and concomitant strategies.

5. **Ms. Hjelm** (Sweden) said that support and guidance were available for children whose parents suffered from health problems that could affect the children, such as substance abuse or mental or physical disabilities.

6. **Ms. Löfstrand** (Sweden) said that in order to help the children of prisoners maintain contact with their imprisoned parents, new prisoners were asked whether they had children so that the appropriate measures could be taken. Each prison had a staff member trained to ensure that children's perspective was taken into account, where relevant. Detainees could maintain contact with their children through visits, home leave, phone calls and letters. All prisons had one or more waiting rooms specially designed for visits with children, and 21 prisons had small apartments for overnight visits by children. Prisoners with children were offered parenting courses. If a child whose parent was imprisoned far from the family home showed signs of illness that could be associated with the parent's absence, the parent could be moved to a prison closer to home. Infants and young children sometimes lived in prison with parents who were serving a sentence.

7. **Mr. Ingrid** (Sweden) said that Swedes as a whole were very supportive of government efforts to help fathers fulfil their parenting role. In 2013, more than 400,000 women and some 300,000 men in Sweden had taken parental leave. A proportion of parental leave would henceforth be reserved for each parent, in order to promote even more equal use of such leave.

8. **Mr. Stenberg** (Sweden) said that human rights were integrated into education legislation and the compulsory school curriculum. According to the Education Act, teaching about human rights conventions must not only cover their content but also promote democratic ways of working. Thus the curriculum for studying the Convention on the Rights of the Child was designed to help children to contextualize their knowledge and enable them to apply it in daily life and, ultimately, to effect change. Everyone working in schools was obliged to promote respect for human rights, including children's rights.

Students were also encouraged to participate in decision-making affecting their schooling by, for example, forming student councils.

9. **Ms. Feltelius** (Sweden) said that her Government was committed to providing education that enabled all children to realize their full potential, without discriminating against children with disabilities. The relevant legislation, which required that special support be provided for such children, had been enhanced in 2014 to require even more support for those who needed it. Municipalities could sometimes deny a student with a disability admission to a particular school on the grounds that admitting the student would create undue organizational or financial hardship for the municipality. In such cases, the municipality was still responsible for ensuring that the student received the education to which he or she was entitled. The Government was drafting legislation stating that extraordinary funding in situations requiring special support should be individualized and based on the child's needs.

10. **Mr. Kotrane** (Country Rapporteur) welcomed the arrangements for children of imprisoned parents, saying they were an example of positive steps that States could take in that regard.

11. **Mr. Cardona Llorens** inquired whether judges, when deciding on a sentence, were required or encouraged to consider the fact that a convicted person was a parent.

12. **Ms. Winter** asked the delegation to indicate the number of recent cases in which detainees had been transferred to a different prison in order to be closer to their children.

13. **Ms. Löfstrand** (Sweden) said that her delegation did not have information on such cases. Closeness to a child's place of residence was not one of the main criteria for assigning convicted prisoners to particular places of detention but could be taken into consideration. Her delegation would provide information later about whether judges were allowed to take that factor into consideration during sentencing.

14. **Ms. Winter** said that it was important to know whether judges were actually required to do so.

15. **Mr. Cardona Llorens** asked whether the State oversaw decision-making by municipalities with regard to the placement of children in particular schools. Furthermore, if the acceptance of a child with a serious disability into a particular school entailed extra expenditure for the school, might that school then have to reject certain children without disabilities because of insufficient funds?

16. **Ms. Baralt** (Sweden) said that Sweden had some private schools, and that if a child with a disability wished to attend a particular private school, then the municipality might, depending on the circumstances, provide support to enable the child to attend that school.

17. **Mr. Gurán** (Country Rapporteur) asked whether consideration had been given to making student councils in schools mandatory.

18. **Mr. Stenberg** (Sweden) said that the issue of school councils should be seen in the broader context of student participation in and influence on decisions affecting them. Since a number of mechanisms were available to facilitate such participation, there was no specific obligation to establish school councils. Pupils and school authorities were thus free to decide jointly on the type of participatory mechanism most suited to their particular circumstances.

19. With regard to choice of school, a voucher system funded by local authorities made it possible for parents and pupils to freely choose a public or private establishment. Municipalities had a non-negotiable obligation to provide the best possible education for all.

20. **Ms. Lindahl** (Sweden) said that her Government's disability policy was underpinned by a number of basic principles, such as the inclusion of children with disabilities in mainstream education, equal living conditions for all and the right of persons with disabilities to influence decisions affecting them. The Swedish Agency for Participation was one of various mechanisms created in order to implement that policy and had special responsibility for reporting on measures taken in respect of children with disabilities.

21. Those measures included amendments to the Social Services Act and the Act concerning Support and Service for Persons with Certain Functional Impairments requiring the best interests of the child to be taken into consideration in actions concerning children. When they were to be provided with assistance, children must be given the opportunity to put forward their views. As part of efforts to give effect to those amendments, the Government had provided support for an NGO project that sought to enhance the capacity of local authorities to further involve children with disabilities in decision-making concerning their situation.

22. **Ms. Peyron** (Sweden), replying to issues raised at the 1936th meeting, said that children seeking asylum who had been placed in care could be granted a temporary residence permit under the Aliens Act. However, such a permit would not be granted if it was found that the same care could be provided in the child's country of origin.

23. All unaccompanied minors applying for asylum must be placed under the care of guardians *ad litem*. Guardians should be appointed as soon as possible after an asylum application had been filed, and were responsible for the child's care and protection.

24. The Government had taken steps to address the issue of unaccompanied minors who had disappeared. In 2014, for instance, it had adopted an action plan that required the competent authorities to coordinate their efforts against the abuse and trafficking of children.

25. All asylum seekers were entitled to a daily cash allowance, in addition to accommodation and food. While the level of the allowance had indeed remained unchanged since 1994, extended allowances could be granted to cover special needs, such as winter clothing or equipment for infants.

26. **Mr. Cardona Llorens** asked whether guardians *ad litem* were specially qualified individuals or ordinary citizens. He also wished to know whether there were any plans to revise the daily allowance in view of changes in the cost of living since 1994. He would like to know whether child benefit payments from the third child onward were paid at a lower rate than for the first two children. Lastly, he asked whether migrant children who had been separated from their parents and whose parents had subsequently been deported from Sweden would also be deported.

27. **Ms. Oviedo Fierro** asked what the Government was doing to ensure that the education provided to children with neurological and cognitive disabilities was of the same standard as that offered to other children. What steps was the Government taking to alleviate the trauma suffered by refugee children? In addition, she would like to know what specific measures were in place to deter Swedish citizens from engaging in the trafficking and commercial sexual exploitation of children. Lastly, she asked what efforts were being made to monitor arms exports and to prevent weapons from reaching countries where children were involved in conflicts.

28. **Mr. Kotrane**, referring to the right of unaccompanied migrant children to be heard in proceedings concerning them, asked the delegation to clarify what was meant by the provision in the Aliens Act that "children should be heard if it was not inappropriate". He

invited the delegation to comment on reports that the conditions in which migrant children were held in detention centres at times failed to meet minimum standards of dignity.

29. **Ms. Peyron** (Sweden) said that the appointment of guardians ad litem was regulated under the Act on Guardians Ad Litem for Unaccompanied Children. Training and support was offered by local chief guardians and the Migration Board, as appropriate. She confirmed that the child benefit rate for the third child was slightly lower than that for the first two children. However, additional support was provided to ensure that families' needs were met. In reply to Mr. Kotrane's request for clarification concerning the Aliens Act she said that all children must be given the opportunity to express their views in a personal interview; however, guidelines on the implementation of the Act made clear that children had the right, but not the obligation, to speak, and that they should not be forced to do so against their will.

30. **Mr. Stenberg** (Sweden) said that, while curricula in special schools for children with intellectual disabilities generally followed the core content of mainstream school curricula, grading schemes were adapted according to the target group concerned. He emphasized that attendance in special schools was on a voluntary basis only, and that the majority of children with disabilities attended ordinary schools.

31. **Ms. Löfstrand** (Sweden), in reply to questions raised at the 1936th meeting, said that children could be held in pretrial detention only if there were exceptional reasons for doing so. Subject to authorization by a court, prosecutors could impose certain restrictions on detainees in respect of visits and correspondence, for example. Such restrictions were imposed on an individual basis, and were subject to review and appeal. In 2013, a total of 119 children had been held in pretrial detention, mostly for less than 30 days in all. Judicial measures had been put in place to ensure that the length of pretrial detention was kept to a minimum. The Government took the view that the introduction of maximum time limits for pretrial detention would not guarantee shorter detention periods in practice. In fact, international research showed that authorities had a tendency to exhaust time limits when they existed.

32. Turning to other questions raised at the 1936th meeting concerning solitary confinement, she said that the Swedish prison and probation service had been instructed to implement a special set of measures for young persons in remand centres, with a view to reducing the harmful effects of isolation. That initiative had led to an increase in the number of psychologists working in remand centres and to a wider range of educational and recreational activities for detainees. The prosecution authorities were currently working on new proposals aimed at further reducing the isolation of young detainees, including closer cooperation with social services in order to develop alternatives to detention for children.

33. As indicated in paragraph 146 of the written replies to the list of issues (CRC/C/SWE/Q/5/Add.1), the overwhelming majority of children who had been arrested had not been placed in a police cell. Data produced by the Ombudsman for Children on the number of children detained in 2011 were not directly comparable with those presented by the Government, since they referred to different types of detention and were not uniformly documented. The Government, recognizing the difficulty in obtaining reliable data at the national level on which to base its child detention policy, was currently considering ways of improving police reporting procedures.

34. Internal police regulations laid down standards for remand facilities, including police cells, covering such aspects as cleanliness and personal hygiene. The detention of intoxicated persons was also carefully regulated in order to ensure compliance with necessary health safeguards.

35. While the Government was aware of instances of children being questioned in the absence of a lawyer, no data were available on the frequency of such incidents. The general

legal requirement that suspects under the age of 18 years should be assigned a defence lawyer could, very exceptionally, be waived in certain circumstances, such as when the suspect had admitted responsibility for a minor offence. She emphasized that information obtained in violation of suspects' rights would have very low evidentiary value in the courts.

36. **Mr. Kotrane**, recalling the Committee's general comment No. 10 on children's rights in juvenile justice, which highlighted the need for expeditious proceedings in cases concerning children, said that he wished to reiterate the importance of specifying a legal maximum duration of police custody and pretrial detention.

37. **Ms. Winter** wished to know the circumstances in which children not suspected of having committed any crime could be taken into police custody.

38. **Ms. Löfstrand** (Sweden) explained that the police could arrest children who were drunk.

39. **Ms. Palmstierna** (Sweden) said that in 2014, the realization that children living with disability might be especially vulnerable to violence had prompted a decision to set up a national centre responsible for compiling and disseminating multidisciplinary knowledge about violence and other forms of child abuse. The centre would be located in a State-run university or a higher education institution, to be selected on the basis of a report which the National Board of Health and Welfare would submit to the Government in March 2016.

40. **Ms. Evelius** (Sweden) said that the social services required the assistance of other services in order to identify children at risk of abuse and violence. The criteria for determining when there was an obligation to report suspected cases of maltreatment were established by law. The National Board of Health and Welfare had revised its guidelines on the subject, and had published information on how to notify the authorities in such cases. Rules had also been introduced on the immediate assessment of a child's need for protection once a case of maltreatment had been reported to a social welfare committee. Normally, a decision on whether to launch an investigation was required within a fortnight. The committee would then determine the necessary follow-up measures in light of the findings of that investigation.

41. The Government had instructed the Board to improve the knowledge base in order to support the social services in their work with children who had experienced violence. It was crucial that all children knew where to obtain professional help and advice. For that reason, a national website informing children about social services and their rights would be set up; the Ombudsman for Children was responsible for ensuring the participation of children and young people in its design. Moreover, in 2013, 68 per cent of municipalities had provided trained social workers around the clock who could respond to children's requests for assistance.

42. **Ms. Palmstierna** (Sweden) said that, in addition to the hotlines mentioned in the written replies to the list of issues, a national helpline called "Preventel" was available to assist persons who felt that they had lost control of their sexuality and were worried about their thoughts and actions and afraid that they might harm themselves or someone else. The purpose of that helpline was to forestall sexual assault by enabling potential perpetrators to obtain preventive treatment. The Government had decided to finance the helpline and the training of professionals to staff it.

43. **Ms. Evelius** (Sweden) said that although the Government promoted breastfeeding, the number of breastfed babies had fallen during the previous three years. The National Breastfeeding Committee had been set up in 2009 in order to encourage collaboration and coordination between the authorities and other actors, with a view to persuading more women to breastfeed. A strategic plan had been drawn up for the coordination of breastfeeding issues for the period 2013–2016.

44. The National Board of Health and Welfare and the Public Health Agency had issued a joint report describing up-to-date treatment of children living with HIV/AIDS. That report contained recommendations which emphasized the importance of early detection and of adopting a modal, individualized approach, backed up with psychosocial and educational support. The administration of medication had to be carefully monitored in order to prevent undesirable side effects such as attention deficiency. Children and young people were offered long-term, personalized support in their everyday home and school environment. Parents and children had the right to be involved in the planning of those measures.

45. **The Chairperson** asked whether Sweden had a comprehensive database containing key indicators for breastfeeding. How was the implementation of the International Code of Marketing of Breast-milk Substitutes monitored? Why were exclusive breastfeeding rates dropping? Was there a policy on breastfeeding in emergencies? Had the root causes of attention deficit/hyperactivity disorder been analysed? Had the use of drugs to treat the disorder been monitored? Had alternative treatments not involving drugs been studied?

46. **Ms. Jakenberg Brinck** (Sweden) said that the rights of the child were an important factor which was borne in mind when assessing the impact of development cooperation activities. The Swedish International Development Cooperation Agency had drawn up a manual on the human rights-based approach to such cooperation, which was followed by Swedish embassies when programming development activities. Children had been a target group in the planning and execution of several development cooperation strategies. Children's rights would also be mainstreamed into a number of forthcoming development cooperation strategies.

47. **Ms. Falkdalen** (Sweden) said, in reply to a question put by Ms. Oviedo Fierro, that weapons exports were strictly controlled in her country. No weapons could be traded with foreign companies without authorization. The main prerequisites for obtaining such authorization were that no widespread, grave human rights violations occurred in the destination country; that it was not engaging in any external or internal conflict; and that there was no risk that child soldiers would be recruited in that country. Sweden had signed and ratified the United Nations Arms Trade Treaty.

48. **Ms. Löfstrand** (Sweden), replying to the question raised at the 1936th meeting concerning a formal ban on the recruitment of child soldiers between the ages of 15 and 18 years, said that Sweden complied fully with its obligations under the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict. The reason why Sweden did not have a formal ban was that no age limit for such recruitment had yet been established in customary international law. The Government did, however, intend to reform legislation in order to raise the minimum age for military recruitment to 18 years. In December 2014, the Government had decided to review the need for legislative amendments to prevent and combat terrorism by criminalizing individuals who travelled or attempted to travel to foreign States in order to prepare or participate in acts of terrorism. The Government had appointed a national coordinator to safeguard democracy against violent extremism.

49. Sweden's criminal provisions on kidnapping, trafficking and procuring likewise fulfilled the requirements of the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography. A child who was handed over to another person for the purpose of forced labour would be regarded as a victim of kidnapping or trafficking. She asked the Committee to clarify in what respect Swedish legislation fell short of the requirements of the Optional Protocol in question. All acts connected with visual forms of child pornography were regarded as criminal offences. Her Government had no intention of withdrawing its declaration regarding article 2 (c) of the Optional Protocol. The Child Pornography Act would be amended if it appeared necessary to do so in the light of developments.

50. **The Chairperson** asked the delegation for its opinion on prohibiting the isolation of children in detention and finding alternatives to the use of belts.

51. **Ms. Winter** reminded the delegation that it had not answered the question raised at the 1936th meeting concerning honour killings.

52. **Ms. Palmstierna** (Sweden) said that there were two action plans designed to curb honour-related violence and oppression. The Government had instructed one county administrative board to disseminate a guide on the support and rehabilitation of young people placed in foster or residential homes because they might be or had been married against their will or subjected to honour-related violence. In 2013, that board had established a commission which was responsible for setting up a national team able to deal with the issue of forced and child marriage and honour-related violence.

53. A national help desk had been created in 2013 in order to build police capacity to investigate incidents involving such violence and to provide victims with the best possible protection. Measures had also been adopted to improve awareness of the issue, including an information campaign run by the police. Posters on the subject had been displayed in public transport. Schools played an important role in identifying children exposed to or threatened with honour-related violence.

54. All crime victims were entitled to protection under Swedish law. The National Board of Health and Welfare had issued new guidelines on the quality of children's shelters.

55. **Mr. Kotrane** thanked the delegation for its frank, comprehensive and well-informed answers which showed that great progress had been achieved in legislation and policies since the previous report. The Committee would nevertheless be putting forward a number of recommendations, many of which echoed those made in the previous reporting cycle. Its recommendations would cover, inter alia: the withdrawal of Sweden's declaration regarding article 2 (c) of the Optional Protocol on the sale of children, child prostitution and child pornography; the incorporation of the Convention into domestic law; ongoing problems of discrimination; hate speech; the incorporation of the best interests of the child in authorities' practice; the treatment of migrant children; training and education for tolerance; children in conflict with the law; a formal ban on the recruitment of children in armed conflict; and bringing Swedish legislation on trafficking into line with the relevant Optional Protocol.

56. **Ms. Baralt** (Sweden) said that the meeting had been a great coaching session. She agreed with the Committee that improving the socioeconomic environment was crucial in order to combat discrimination and make society more inclusive. Investment in education would undoubtedly save money in the long run. The Committee's recommendations would be translated and disseminated among the key actors. Children had a right to understand those recommendations. Indeed, awareness of rights was the first step towards their realization; for that reason, an information campaign would be mounted to improve children's knowledge of the Convention. Recent developments in a number of countries had shown that educating children and training them to show consideration to one another was absolutely vital in order to fight discrimination, xenophobia and radicalization. Vulnerable children were in special need of protection. Although everything must be done to restrict the isolation of children, it was sometimes needed in the children's best interests.

57. **The Chairperson** said that the Committee appreciated the delegation's frankness and readiness to respond to questions. She was sure that the interactive dialogue would pave the way to further progress in safeguarding the rights of children in Sweden.

The meeting rose at 12.55 p.m.